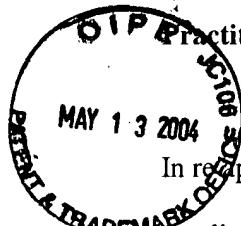


1636
JFW



Practitioner's Docket No. NEB-135-C

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 13 2004

In re application of: Jay Wayne, Shuang-yong Xu

Application No.: 09/664,186

Group No.: 1636

Filed: 09/18/2000

Examiner: Vogel

For: Method for Construction of *Thermus-E. coli* Shuttle Vectors and Identification of Two *Thermus* Plasmid Replication Origins

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

- Transmitted herewith is an amendment for this application.

STATUS

- Applicant is a small entity. A statement was already filed.

EXTENSION OF TERM

- The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

X deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.10*

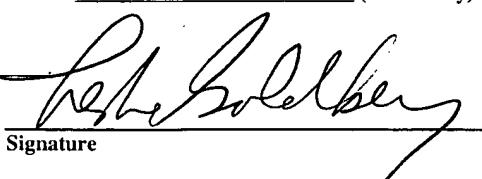
X with sufficient postage as first class mail.

G as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

G facsimile transmitted to the Patent and Trademark Office, (703) _____


Signature

Date: May 11, 2004

Leslie Goldberg

(type or print name of person certifying)

* Only the date of filing ('1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under '1.8 continues to be taken into account in determining timeliness. See '1.703(f). Consider "Express Mail Post Office to Addressee" ('1.10) or facsimile transmission ('1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

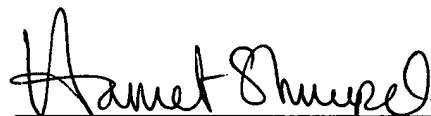
| (Col. 1) | (Col. 2) | (Col. 3) | SMALL ENTITY |
|---|---------------------------------------|------------------|-----------------------------|
| CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NO. PREVIOUSLY PAID FOR | PRESENT EXTRA | ADDIT. FEE |
| TOTAL INDEP. | 3 1 | - - | 20 3 |
| | = = | 0 0 | x \$ x \$ |
| FIRST PRESENTATION OF MULTIPLE DEP. CLAIM | | + \$ | 9.00 = \$ 0.00 |
| | | | TOTAL ADDIT. FEE \$ 0.00 |

No additional fee for claims is required.

FEE DEFICIENCY

5. An additional extension and/or fee is required, charge Account No. 14-0740.

Date: May 11, 2004



Signature of Practitioner

Reg. No.: 37,008
Tel. No.: 978-927-5054, ext. 373
Customer No.: 28986

Harriet M. Strimpel, D. Phil.
New England Biolabs, Inc.
32 Tozer Road
Beverly, MA 01915



Docket: NEB-135-C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Wayne, et al.

EXAMINER: Vogel

SERIAL NO.: 09/664,186

GROUP: 1636

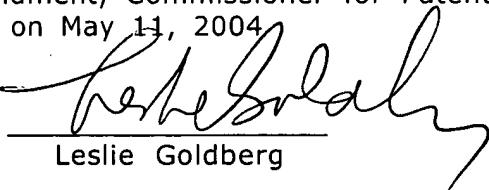
FILED: September 18, 2000

FOR: Method for Construction of *Thermus-E. coli* Shuttle Vectors and Identification of Two *Thermus* Plasmid Replication Origins

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate of Mailing

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Leslie Goldberg

A handwritten signature in black ink, appearing to read "Leslie Goldberg". Below the signature is a horizontal line and the name "Leslie Goldberg" in a printed font.

Sir:

RESPONSE TO OFFICE ACTION

The following is a response to Office Action dated May 4, 2004, in which a request for formal drawings was made. Enclosed are thirteen (13) sheets of formal drawings.

Wayne et al.
U.S.S.N.: 09/664,186
Filed: 9/18/00
Page 2

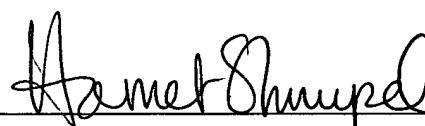
Early and favorable consideration leading to prompt issuance
of this Application is earnestly solicited.

Respectfully submitted,

NEW ENGLAND BIOLABS, INC.

Date: May 11, 2004

Customer No.: 28986


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